LOCAL NEWS

# No. 5 story of 2021: Homicide cases keep court docket full; two murder suspects found not guilty

Luciano Pogorzelski

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*Editor's Note: The number of homicide cases that went through district court this year is the No. 5 story of 2021.*

While there was only one homicide in Fremont County in 2021, the court system still was heavily burdened with cases from 2018, 2019 and 2020 – all while trying to make adjustments to keep things running safely and efficiently during a global pandemic.

Most notably, two separate juries found two murder suspects not guilty this year.

A jury in May found Pogorzelski not guilty of murder in the second degree in the shooting death of 39-year-old Richard Fay on Sept. 28, 2019. The jury also found him not guilty of manslaughter, criminally negligent homicide and tampering with physical evidence.

The attorneys for Pogorzelski, 24, claim he shot Fay in self-defense. His attorneys declined to call any witnesses during his trial.

In October, a jury found Jeffery Brian Smith not guilty of second-degree murder in the death of Remzi Nesfield, who was reported missing in 2007.

Smith, 39, told authorities that he had been helping Nesfield in his drug operation and he went to Denver to return a bag to Nesfield and to tell him that he no longer wanted to be involved. He said Nesfield began "freaking out" on him.

Smith told investigators that he shot Nesfield "one time in the back of the head" inside the Denver garage of Jasmine Ashcraft, who was Nesfield's girlfriend, in early 2007 after Nesfield allegedly threatened to kill Smith's mother and father.

Nesfield's skeletal remains were found by a hiker in a remote wooded area in Cotopaxi in September 2016. His identity later was confirmed through a DNA match with the Arizona Offender Database.

The identification of Nesfield's remains and the arrest of Smith meant the closure of one Fremont County cold case, but Nesfield's family said they will never have closure.

"I would be terrified if anything ever happened to my family if I lived in that county," said Crystal Nesfield, Remzi Nesfield's sister, who works in Arizona as a trauma therapist. "Because, clearly, you can get away with shooting someone in the back of the head, dumping their body in the middle of the mountains and then go home."

Kenneth Sweet, the man accused of gunning down 27-year-old Ashton Ladd on Jan. 7, 2020, also walked free this year. His case was dismissed without prejudice in July, and he was released from jail after police allegedly lost custody of a vital piece of evidence.

Sweet, 55, was charged with second-degree murder and tampering with physical evidence. He allegedly shot Ladd in his home at 211 N. Third St. after Ladd

The Cañon City Police Department had been notified that attorneys were attempting to locate the cardigan that was worn by Ladd at the time of the shooting, but after an exhaustive search through evidence, it was apparent that it was not in possession of CCPD.

Individuals who were sentenced for homicides this year include:

- Donald Laub, 47. He pleaded guilty to second-degree murder in the June 2017 death of 47-year-old Scott Nash. He was sentenced to 38 years in the Department of Corrections in August.
- Earl Scott Watkins, 66. He was found guilty of criminally negligent homicide in the September 2018 shooting death of 27-year-old Jonathon Kern. He was sentenced to a total of 14 years in DOC in May.
- Shera Carter, 34. She was found guilty of second-degree murder in the 2020 shooting death of 33-year-old Coty Bass. She was sentenced to 30 years in DOC in July.
- Isaac Bullard, 39. He pleaded guilty to vehicular homicide after running over his 23-month-old son, Jesse James Bullard, on Jan. 22, 2020. He was sentenced to six years in the DOC in February.

Five other homicide cases are still working their way through the court system at this time.

- Mark Nielsen, 56, is charged with second-degree murder in the shooting death of 64-year-old John Achterkirck on July 28, 2020. A nine-day trial is set for March 1-11.
- Matthew Allan Rodgers, 47, is charged with the death of Kenneth Orchard, 76, and setting his house on fire in May 2018. The trial is set for Jan. 25 to Feb. 4.
- Robert Douglas Broman, 34, has been charged with the shooting death of 41-year-old Christopher Erinn Robb on Nov. 14. A preliminary hearing for this case is set for Feb. 2.
- John Paul Williams, 69, is accused of the murder of Rebecca Magallanes, 44, in about November 2009. The court is waiting for him to be restored to competency. His public defender has asked the court to terminate criminal proceedings. He is set for a review Jan. 5.
- Justin David Conner, 42, who was convicted in the death of Glen Tate during

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